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September 19, 2005

RECEIVED

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Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

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Federal Communications Commission  
Office of Secretary

Re: *WC Docket Nos. 04-36 and 05-196, Second Subscriber Notification Report.*

Dear Ms. Dortch:

On August 5, 2005, we submitted a letter on behalf of Adelphia Voice Services regarding its provision of VoIP services in the context of a limited technical trial in Colorado serving only a group of its employees. As discussed in that letter, there does not appear to be any requirement that Adelphia Voice Services comply with the new VoIP E911 rules<sup>1</sup> in the context of this limited, employee-only technical trial. Nonetheless, Adelphia mailed an informational package addressing the E911 limitations of the service to the trial participants along with E911 disclosure labels to be affixed to the equipment utilized in conjunction with the VoIP service. This material included a notification to the employee participants that they must affirmatively acknowledge their awareness of the E911 limitations or they would be disconnected.

A third party provider then sent all of the employee trial participants an e-mail message requesting acknowledgement of their receipt of the package and their understanding of the E911 limitations discussed therein. If a participant did not respond to the e-mail, or if Adelphia Voice Services did not have an e-mail address for the participant, it sent a document to their mailing address asking them to acknowledge receipt of the information and their understanding of the E911 limitations by signing and returning the document.

In the letter we submitted on behalf of Adelphia Voice Services on September 1, 2005, we stated that as of that date, 196 of the 204 trial participants (96%) had provided their E911 acknowledgement in response either to the e-mail or the regular mailing described above.

<sup>1</sup> The Commission promulgated the VoIP E911 rules in the First Report and Order and Notice of Proposed Rulemaking (FCC 05-116) released on June 3, 2005 in the above-referenced dockets.

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As of today, 178 of the 184 trial participants (.967%) have provided the requested E911 acknowledgement. The total quantity of trial customers has decreased since our last report. The remaining participants have yet to respond to the requests for acknowledgement. Adelphia Voice Services expects that these remaining participants will respond by September 28, 2005. If a participant has not responded by September 28, 2005, Adelphia Voice Services will implement a "soft" disconnect that allows the party only to place calls to Adelphia Customer Service and 911/E911 calls. If technical issues prevent a soft disconnect, Adelphia Voice Services will fully disconnect the service. The soft or full disconnection will remain in place until acknowledgement is received.

Adelphia Voice Services strongly supports the Commission's efforts to ensure that VoIP customers are fully aware of how to gain access to E911 and 911. Adelphia Voice Services of course will comply fully with the VoIP E911 rules when it moves forward with the commercial launch of its VoIP service.

Very truly yours,

Davis Wright Tremaine LLP



Daniel Waggoner

cc: Jo Gentry, Adelphia Voice Services